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Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Saturday, 26th November 1983 / 5th Agrahayana 1905 [No. 1428

GOVERNOR'S SECRETARIAT

NOTIFICATION

No. GS3-6578/83. *Dated, Trivandrum, 26th November, 1983.*

In exercise of the powers conferred by Section 94, read with clause (2) of Section 99 of the Gandhiji University Ordinance, 1983 (Ordinance No. 34 of 1983), the Chancellor is pleased to nominate the following members to the four Boards of Studies of the said University for a period of two years from the date of this notification or till the constitution of the Boards of Studies in accordance with the provisions of the said Ordinance, whichever is earlier.

1. *Board of Studies in Material Science (P.G)*

    1. Dr. B. K. Sarkar, (Chairman)
       Head, Material Group,
       V. S. S. C., Thumba,
       Trivandrum.

    2. Dr. A. D. Damodaran,
       Technical Advisor,
       Kerala State Electronics Research and
       Development Corporation,
       Keltron House,
       Trivandrum.

3. Shri M. A. Ittyachan,
   Reader, Department of Physics,
   Kariyavattom,
   University of Kerala,
   Trivandrum.

4. Dr. K. Ramaswamy,
   Head of the Department of Physics,
   Annamalai University,
   Annamalanagar.

5. Dr L Rama Moorthy,
   Head of the Department of Physics,
   Sree Venkiteswara University,
   Thirupathi.

6. Prof. P. S. Narayan,
   Professor of Physics,
   Indian Institute of Science,
   Bangalore.

7. Prof. Krishna Lal,
   Director,
   National Physical Laboratory,
   New Delhi.

8. Dr. Ramaswamy,
   Professor of Physics,
   A. C. College of Technology,
   Anna University,
   Madras.

9. Prof. P. Krishna,
   Professor of Physics,
   Banares Hindu University,
   Varanasi, U.P.

2. *Board of Studies in Polymer Science* (*P.G.*)

1. Dr. Joseph Francis, (Chairman)
   Professor of Polymer Science and Rubber Technology,
   University of Cochin,
   Cochin-22.

2. Dr. C. P. Joshua,
   Professor of Bio-Chemistry,
   University of Kerala,
   Trivandrum.

3. Dr. Anantharaman,
Professor of Chemistry,
University of Kerala,
Trivandrum.

4. Dr. V. N. Rajasekharan Pillai,
Department of Chemistry,
University of Calicut,
Calicut University P.O., Pin-673 635.

5. Prof. A. V. Antony,
Head of the Department of Chemistry,
St. Thomas College,
Palai.

6. Dr. T. Balakrishnan,
Department of Physical Chemistry,
University of Madras,
Madras.

3. *Board of Studies in International Relations*

1. Dr. T. K. Ravindran, (Chairman)
Professor and Head of the Department of
History, University of Kerala,
Kariyavattom,
Trivandrum.

2. Dr. K. Rajayyan,
Professor,
Head of the School of Historical Studies,
Madurai, Kamaraj University,
Madurai.

3. Dr. M. P. Sreekumaran Nair,
Professor,
Department of History,
Calicut University,
Calicut.

4. Dr. C. V. Cherian,
Professor and Head of the Department of History,
C. M. S. College,
Kottayam.

5. Dr. V. Suryanarayanan,
Professor,
Centre for South and South East Asian Studies,
University of Madras,
Madras.

6. Dr. V. M. Reddy,
Professor and Head of the Department of History,
S. V. University,
Tirupathy,
Andhra Pradesh

7. Prof. (Mrs.) Sayed,
Professor of History and Politics,
Bombay University.

8. Dr. M. J. Koshy,
Prof. of History,
University of Kerala.

4. *Board of Studies in Basic Medical Science*

1. Dr. C. P. Madhavankutty, (Chairman)
Principal,
Medical College,
Kottayam.

2. Dr. K. R. Harilal,
Professor of Pathology,
Medical College,
Kottayam.

3. Dr. Mathew Roy,
Professor of Medicine,
Medical College,
Trichur.

4. Dr. P. T. Iype,
Professor of Microbiology,
Medical College,
Kottayam.

5. Dr. M. S. P. Nair,
Director & Professor of Bio-chemistry,
Medical College, Trivandrum.

6. Dr. Muriel Sukumaran,
Professor of Microbiology,
Medical College,
Trivandrum.

7. Dr. R. Sekhara Varma,
Professor of Bio-Chemistry,
Christian Medical College,
Velloore.

8. Dr. Remani B. Pulimood,
Professor of Pathology,
Christian Medical College,
Velloore.

9. Dr. Malathi Madhavan,
Professor of Pathology,
Basic Medical Institute,
Taravani, Madras.

10. Dr. Jacob Chandy,
(Retd. Principal, Christian Medical College, Velloore)
Matteethra,
Kottayam.

By order of the Governor/Chancellor,

RaJ Bhavan,
Trivandrum.

N. KRISHNAN NAIR
Secretary to Governor/Chancellor.

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KERALA GAZETTE

EXTRAORDINARY

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Vol. XXVIII] Trivandrum, Saturday, 26th November 1983 / 5th Agrahayana 1905 [No. 1424

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION.

No. 11581/LA. 4A/83. *Dated, Trivandrum, 26th November,* 1983.

The Abkari (Amendment) Bill, 1983 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/5051/MC.

Seventh Kerala Legislative Assembly

Bill No. 79

THE ABKARI (AMENDMENT) BILL, 1983

A

BILL

further to amend the Abkari Act, 1 of 1077.

Preamble.—WHEREAS it is expedient further to amend the Abkari Act, 1 of 1077, for the purposes hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Abkari (Amendment) Act, 1983.

(2) It shall be deemed to have come into force on the 3rd day of November, 1983.

2. *Amendment of section 57.*—In section 57 of the Abkari Act, 1 of 1077 (hereinafter referred to as the principal Act), in clause (a),—

(i) for the words "any noxious drug", the words "any drug, other than a noxious drug," shall be substituted;

(ii) after the words "any article prohibited", the brackets and words "(other than an article which the Government shall deem to be noxious)" shall be inserted.

3. *Insertion of new sections 57A and 57B.*—After section 57 of the principal Act, the following sections shall be inserted, namely:—

"57A. *For adulteration of liquor or intoxicating drug with noxious substances, etc.*—(1) Whoever mixes or permits to be mixed any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if, as a result of such act, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to

imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if, as a result of such act, death is caused to any person, with death or imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year, but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

Explanation.—For the purposes of this section and section 57B, the expression "grievous hurt" shall have the same meaning as in section 320 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(2) Whoever omits to take reasonable precautions to prevent the mixing of any noxious substance or any substance which is likely to endanger human life or to cause grievous hurt to human beings, with any liquor or intoxicating drug shall, on conviction, be punishable,—

(i) if as a result of such omission, grievous hurt is caused to any person, with imprisonment for a term which shall not be less than two years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(ii) if as a result of such omission, death is caused to any person, with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and with fine which may extend to fifty thousand rupees;

(iii) in any other case, with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(3) Whoever possesses any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, knowing that such substance is mixed with such liquor or intoxicating drug shall, on conviction, be punishable with imprisonment for a term which shall not be less than one year but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), no person accused or convicted of an offence under sub-section (1) or sub-section (2) or

sub-section (3) shall, if in custody, be released on bail or on his own bond, unless—

(a) the prosecution has been given an opportunity to oppose the application for such release, and

(b) where the prosecution opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence.

(5) Notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872),—

(a) where a person is prosecuted for an offence under sub-section (1) or sub-section (2), the burden of proving that he has not mixed or permitted to be mixed or, as the case may be, omitted to take reasonable precautions to prevent the mixing of, any substance referred to in that sub-section with any liquor or intoxicating drug shall be on him;

(b) where a person is prosecuted for an offence under sub-section (3) for being in possession of any liquor or intoxicating drug in which any substance referred to in sub-section (1) is mixed, the burden of proving that he did not know that such substance was mixed with such liquor or intoxicating drug shall be on him.

57B. *Order to pay compensation.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the court when passing judgment in a case falling under section 57A may, if it is satisfied that death or grievous hurt has been caused to any person or persons by consumption of liquor or intoxicating drug sold in any place licensed under this Act, order the licensee of that place, whether or not he is convicted of an offence under the said section, to pay, by way of compensation, such amount as it appears to be just, to the legal representatives of the deceased or to the person or persons to whom grievous hurt has been caused.

(2) Any person aggrieved by an order under sub-section (1) may, within ninety days from the date of the order, prefer an appeal to the High Court:

Provided that no such appeal shall lie unless the amount ordered to be paid under sub-section (1) is deposited in the court which passed such order:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.".

4. *Repeal and saving.*—(1) The Abkari (Amendment) Ordinance, 1983 (37 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The gruesome liquor tragedy in Vaipeenkara Island in Ernakulam District of the State during the Onam Festival of 1982 took a heavy toll of life and left many with loss of eye-sight and physical incapacity. The State Government undertook a number of administrative measures to avoid a recurrence of such tragedies. It was also felt necessary to make changes in the Abkari Act, I of 1077 to impose very severe penalty on those responsible for adulteration of liquor and its sale. The Government after considering the recommendations of a Committee constituted for the purpose. decided to amend the said Act to provide for severe penalty for adulteration of liquor or intoxicating drugs so as to prevent the recurrence of such tragic incidents.

2. As the Legislative Assembly was not in session, the Abkari (Amend ment) Ordinance, 1983 (37 of 1983), was promulgated by the Governor on the 1st day of November, 1983 for the above purpose. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

N. SREENIVASAN

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Reg. No. KL/TV(N)/12



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Saturday, 26th November 1983 / 5th Agrahayana 1905 [No. 1425

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (Transport-B) Department

ORDER

G.O. Rt. No. 916/83/T F & P. *Dated, Trivandrum, 26th November, 1983.*

S. R. O. No. 1676/83.—Whereas representations have been received by the Government of Kerala that the operators of existing stage carriage services in the State find it uneconomic to run their services due to stiff competition from new entrants who obtain temporary permits under Section 62 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939);

And whereas the Government of Kerala is of opinion that it is necessary in the public interest to restrict the grant of temporary permits for stage carriages for a period of six months in the interest of maintaining the existing stage carriage services on an economic level;

Now, therefore, in exercise of the powers conferred by Section 43 A o the Motor Vehicles Act, 1939 (Central Act 4 of 1939) the Government of Kerala hereby direct that for a period of six months from the date of this order the Regional Transport Authorities/Regional Transport Officers in the State shall act according to the following instructions in the matter of issue of temporary permits:—

33/5057/MG

(i) Fresh temporary permits should be restricted to routes newly opened and not covered by any bus services and simultaneously steps should be taken to notify for pucca permits if the need is permanent.

(ii) The Regional Transport Authorities should notify all such routes and grant permits only after considering relative merits.

(iii) Suo moto applications for temporary permits should not be entertained.

(iv) Existing services should be extended to new routes in continuation, wherever possible.

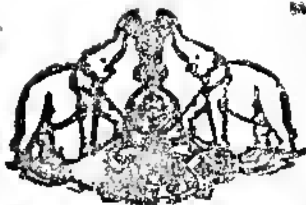
(v) Steps should be taken to sanction pucca permits on routes already covered by temporary permits if nationalisation scheme is not pending.

By order of the Governor,

V. A. Augustine,
Additional Secretary to Government.

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KERALA GAZETTE

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PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Saturday, 26th November 1983 / 5th Agrahayana 1905 (Saka) —No. 1427

കേരള സർക്കാർ

ഗതാഗതവും, മൽസ്യബന്ധനവും തുറമുഖവും (എച്ച്) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 27878/എച്ച്. 3/83/ററി. എഫ്. ആൻറ് പി.

തിരുവനന്തപുരം, 1983 നവംബർ 22.

എസ്. ആർ. ഒ. നമ്പർ 1678/83.—ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം
അനുച്ഛേദം (1)-ാം ഖണ്ഡംമൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോ
ഗിച്ച് ഇൻഡ്യൻ രാഷ്ട്രപതി 1963 മേയ് 31-ാം തീയതിയിലെ 2/4/63
ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനംമൂലം കേരള സംസ്ഥാനത്ത് യൂണി
യൻെറ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ച് 1961-ലെ
കേരള സ്ഥലമെടുപ്പ് ആക്ട് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിൻെറ
പ്രമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചി
രിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സ്ഥലങ്ങൾ ഒരു പൊതു ആവശ്യത്തിനു
വേണ്ടി അതായത് തൃശ്ശൂരിൽ പോസ്ററാഫീസും പോസ്ററൽ വകുപ്പിലെ
ആഫീസുകളും സ്ഥാപിക്കുന്നതിന് ഒരു കെട്ടിടം നിർമ്മിക്കുന്നതിന് ആവശ്യ
മുണ്ടെന്നോ ആവശ്യമുണ്ടാകാനിടയുണ്ടെന്നോ കേരള സർക്കാരിനു തോന്നുന്നതി
നാലും;

ഇപ്പോൾ, അതിനാൽ, പ്രസ്തുത ആക്ട് 3-ാം വകുപ്പ് (1)-ാം ഉപവകു
പ്പിലെ വ്യവസ്ഥകളനുസരിച്ച് ബന്ധപ്പെട്ട എല്ലാപേർക്കും അതിനുള്ള
നോട്ടീസ് ഇതിനാൽ നൽകുന്നു.

33/5059/L.

പട്ടിക

ജില്ല—തൃശ്ശൂർ

താലൂക്ക്—തൃശ്ശൂർ

വില്ലേജ്—തൃശ്ശൂർ

(ഏകദേശ വിസ്തീർണ്ണമാണ് കൊടുത്തിരിക്കുന്നത്)

സർവ്വേ നമ്പർ	വിവരണം		വിസ്തീർണ്ണം (ഹെക്ടറിൽ)
1300/2 മുഴുവൻ	പുരയിടം		0.0769
		ആകെ	0.0769

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,

വി. എ. അഗസ്ററിൻ,

ഗവൺമെൻറ് അഡീഷണൽ സെക്രട്ടറി.

വിശദീകരണക്കുറിപ്പ്

(ഇത് പ്രഖ്യാപനത്തിൻെറ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2/4/63/ജുഡീഷ്യൽ II എന്ന നമ്പർ വിജ്ഞാപനപ്രകാരം ഈ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിൻെറ ഉപയോഗത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കാനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേല്പിച്ചിട്ടുള്ളതും, മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള ഭൂമി ഒരു പൊതു ആവശ്യത്തിന്, അതായത് തൃശ്ശൂരിൽ പോസ്ററാഫീസും പോസ്ററൽ വകുപ്പിലെ ആഫീസുകളും സ്ഥാപിക്കുന്നതിന് ഒരു കെട്ടിടം നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യം വന്നിട്ടുള്ളതും ആകുന്നു.

ഈ പ്രഖ്യാപനം മേൽപ്പറഞ്ഞ ആവശ്യത്തിനുദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്

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KERALA GAZETTE

EXTRAORDINARY

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Vol. XXVIII] Trivandrum, Saturday, 26th November 1983 / 5th Agrahayana 1905 [No. 1426

GOVERNMENT OF KERALA

Local Administration and Social Welfare (G) Department

NOTIFICATION

G.O.(MS) No. 191/83/LA&SWD. *Dated, Trivandrum, 5th November, 1983.*

S. R. O. No. 1677/83.—In exercise of the powers conferred by sub-section (1) of Section 53 of the Town Planning Act, 1108 (IV of 1108), read with section 53F thereof, the Government of Kerala hereby make the following rules in respect of Provident Fund to the employees in the Trivandrum Development Authority, the same having been previously published in the Kerala Gazette Extraordinary No. 523 dated the 17th May, 1983 as required by section 42 of the said Act, namely:—

RULES

1. *Short title application and commencement.*—(1) These rules may be called the Trivandrum Development Authority Employees Provident Fund Rules, 1983.

(2) They shall apply to all the employees under the Trivandrum Development Authority.

(3) They shall come into force at once.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context—

(i) 'Authority' means the Trivandrum Development Authority;

(ii) 'Secretary' means the Secretary of the Trivandrum Development Authority;

(iii) 'Family' means—(a) in the case of a male subscriber, the wife or wives and children of the subscriber and the window or windows and children of a deceased son of the subscriber:

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased under the customary law of the community to which she belongs, to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notice in writing to the Secretary that she shall continue to be so regarded; and

(b) in the case of a female subscriber, the husband and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber:

Provided that if a subscriber by notice in writing to the Secretary expresses her desire to exclude her husband from her family, the husband shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notice excluding him;

Note 1.—"Children" means legitimate children.

Note 2.—An adopted child shall be considered to be a child for the purpose of these rules if the Secretary is satisfied that under the personal law of the subscriber adoption is legally recognised as conferring the status of a natural child.

Note 3.—A child of one person given in adoption to another shall not be considered to be a child of the former, if the Secretary is satisfied that such adoption is legally recognised under the personal law of the persons concerned.

(iv) 'Emoluments' means pay, leave salary or subsistence allowance as defined in the Kerala Service Rule or other Service Rules applicable to the employee concerned and includes dearness pay appropriate to pay, leave salary or subsistence allowance, if admissible and any remuneration of the nature of pay received in respect of foreign service;

(v) 'Form' means a form appended to these rules;

(vi) 'Fund' means the 'Employees Contributory Provident Fund' established by the Authority under these Rules;

(vii) 'Employees' means a full-time employee of the Authority, who is not entitled under the rules in force for pension on retirement from service on superannuation;

Note.—If any doubt arises as to whether a particular employee is a full time employee or not, the matter shall be referred to the Authority whose decision, thereon shall be final.

(viii) 'Subscription' means the amount subscribed by an employee to the fund under the rules;

(ix) 'Year' means a financial year;

(x) Words importing the masculine gender shall be taken to include females, if circumstances so reqiure;

(xi) any other expression used in these rules which is defined in the Kerala Service Rules is used in the sense therein defined.

3. *Constitution of fund.*—(1) The Authority shall establish and maintain a Contributory Provident Fund for the benefit of its employees admitted to the fund under rule 4.

(2) The fund shall consist of subscriptions by the employees, contributions from the Authority and interest thereon.

(3) The fund shall be administered by the Authority.

(4) The fund shall be invested in Government Saving Banks, any other savings scheme, or other securities approved by the Government.

(5) The charges and cost necessary for the administration of the fund shall be met out of the fund under Revenue Account of the Authority.

4. *Permanent employees to subscribe to the Fund.*—(1) It shall be obligatory on all permanent employees of the Authority to subscribe to the Fund:

Provided that it shall be open to the Authority to allow a temporary or officiating employee to subscribe to the Fund, if he is likely to be employed at least for three years.

(2) Every application for admission to the fund shall be in Form I.

Note.—All employees who are in the service of the Authority for a period of not less than three years shall be considered as permanent employees for the purpose of this rule.

5. *Nomination.*—(1) Each subscriber shall at the time of joining the fund send to the Secretary along with his application, a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the fund, in the event of his death before that amount has become payable, or having become payable, has not been paid:

Provided that if, at the time of making the nomination, the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If the subscriber nominates more than one person under sub-rule (1) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the fund at any time.

(3) Every nomination shall be in Form 2 or in Form 3 or in Form 4 as is appropriate in the circumstances of the case.

(4) The nomination made by an employee who has no family shall become invalid on his subsequently acquiring a family.

(5) A subscriber may at any time cancel a nomination by sending notice in writing to the Secretary:

Provided that the subscriber shall, along with such notice send a fresh nomination made in accordance with the provisions of this rule.

(6) A subscriber may provide in a nomination—

(a) in respect of any specified nominee, that in the event of his predeceasing the subscriber, the right conferred upon the nominee shall, pass to such other person as may be specified in the nomination.

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein.

(7) Immediately on the occurrence of any contingency by reason of which the nomination becomes inoperative the subscriber shall send to the Secretary a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provision of this rule.

(8) Every nomination made and every notice of cancellation given by a subscriber shall, to the extent it is valid, take effect from the date on which it is approved by the Secretary.

6. *Conditions and rate of subscription.*—(1) Every subscriber on duty or on earned leave shall subscribe monthly to the fund. Subscription will be optional when a member is on leave other than earned leave or under suspension.

(2) The amount of subscription shall be fixed by the subscriber himself, subject to the following conditions, namely:—

(a) It shall be expressed in whole rupees;

(b) It may be any sum so expressed, not less than 6% of the basic pay/leave salary/subsistence allowance with option to contribute more but contribution of the Authority will be limited to 6%.

Note.—If the percentage of emoluments represents a sum not expressible in whole rupees, the said sum may be rounded off to the nearest whole rupee, fifty paise or more being counted as one rupee and less than fifty paise being ignored. This amount shall be taken as the minimum limit of subscription.

(3) For the purpose of sub-rule (2) the emoluments of a subscriber shall be,—

(a) in the case of a subscriber who was in service on the 31st March of the preceding year, the emoluments to which he was entitled on that date:

Provided that—

(i) if the subscriber was on leave without allowances on the said date or was under suspension on that date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty.

(ii) if the subscriber was on leave other than leave without allowances on the said date and continues to be on leave, his emoluments shall be the emoluments to which he would have been entitled on that date had he not been on leave.

(b) in the case of a subscriber who was not in service on the 31st March of the preceding year the emoluments to which he was entitled on the first day of his service or if he joined the fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date.

(4) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year to the Secretary before the 31st March of the preceding year.

(5) The amount of subscription so fixed shall remain unchanged throughout the year, provided that the amount of subscription may be enhanced once at any time during the course of the year.

7. *Deduction of subscriptions from pay bills.*—Subscription shall be recovered by deduction from the pay bill of subscriber concerned.

8. *Contribution to be made by the Authority.*—(1) The contribution from the authority towards the account of each subscriber shall be six per cent of the

basic pay/leave salary/subsistence allowance drawn by him during the month and it shall be credited to his account every month.

(2) Each contribution under sub-rule (1) shall be calculated to the nearest whole rupee, fifty paise or more being counted as one rupee and less than fifty paise being ignored.

9. *Lodging of the Fund.*—The amount deducted from the pay bills of the subscribers under rule 7 towards subscriptions to the fund and the contributions paid by the Authority to the fund under rule 8 shall be lodged in Government Savings Bank any other saving scheme or other security approved by the Government and a separate cash book shall be maintained for the fund.

10. *Interest.*—(1) Interest at such rate as may be fixed by the Authority was the approval of the Government, subject to a minimum of four per cent shall be annually credited by the Secretary to the account of each subscriber.

(2) Interest shall be credited with effect from the last day in each year in the following manner namely:—

(i) on the amount at the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year-interest for twelve months;

(ii) on sums withdrawn during the current year-interest from the beginning of the current year upto the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to subscriber's account after the last date of the preceding year-interest from the date of deposit upto the end of the current year;

(iv) the total amount of interest shall be rounded off to the nearest rupee (fifty paise or more counting as the next higher rupee and less than fifty paise being ignored):

Provided that when the amount standing at the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-rule in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing at the credit of the subscriber became payable.

(3) In this rule, the date of deposit in the case of a recovery from emoluments, be deemed to be the first day of the month in which it is recovered.

(4) In addition to any amount to be paid under these rules on final withdrawal, interest thereon, upto the end of the month preceding that in which the payment is made or upto the end of the sixth month after the month in which such amount become payable, whichever of these periods be less shall be payable to the person to whom such amount is to be paid.

11. *Furnishing of statement of account to members.*—A statement of account in Form 5 shall be supplied to each member as soon as possible after the close of the year.

12. *Advance from the Fund.*—(1) The Secretary may grant temporary advance to a subscriber from the amount standing at his credit by way of his subscriptions towards his account with interest thereon subject to the following conditions:—

(a) No advance shall be granted from the fund unless the Secretary is satisfied that the subscriber's pecuniary circumstances justify it and that it will be utilised for the following purpose or purposes and not otherwise:—

(i) to pay expenses in connection with the prolonged illness of the subscriber or any person actually dependent on him, or to repay any outstanding amount on account of a loan expressly taken for this purpose;

(ii) to pay obligation expenses on a scale appropriate to the subscriber's status in connection with marriages, funerals or ceremonies which by the religious or social customs of the applicant, it is incumbent upon him to perform or to repay any outstanding amount on account of a loan expressly taken for this purpose;

(iii) to pay for the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegation made against him in respect of any act done or purporting to be done by him in the discharge of his official duties;

(iv) to pay for the cost of subscriber's defence where he is prosecuted by the Authority in any Court of Law or when the subscriber engages a legal practitioner to defend himself in any enquiry in respect of alleged misconduct on his part.

Note.—Temporary advance may be sanctioned to a subscriber who is under suspension provided he agrees in writing to the recovery of advance being made in monthly instalments from the subsistence allowance sanctioned to him.

(b) The Secretary may, in special circumstances, for reasons to be recorded in writing, and with the approval of the Authority, sanction an advance for a purpose other than those mentioned under sub-rule (a).

(c) An advance shall not except for special reasons to be recorded in writing, be granted in excess of the maximum amount of advance admissible. The following formula may be adopted for determining the maximum amount of advance admissible, namely:—

$\frac{3a-b}{4}$ where 'a' represents balance at his credit by way of his subscriptions towards his account plus interest thereon and 'b' represents balance outstanding repayment of the loan.

(2) The Secretary shall not under any circumstances grant—

(i) an advance to a subscriber unless a period of six months has elapsed after the grant of a previous advance.

(3) (i) The amount of advance should be expressed in whole rupees and the monthly instalments of repayments should be in equal number of whole rupees.

(ii) Application for temporary advance shall be in Form 6 and the sanction shall be in Form 7.

13. *Recovery of temporary advance.*—An advance shall be recovered from the subscriber in such number of equal monthly instalments as the Secretary may direct; but such number shall not be less than twelve unless the subscriber so elects; or in any case not more than twenty-four. A subscriber may, at his option, repay two or more instalments in a month.

14. *Mode of Recovery.*—(1) Recovery shall be made in the manner prescribed in rule 7 for the realisation of subscriptions and shall commence with the issue of pay for the month following the month in which the advance was withdrawn. Recovery shall not be made, except with the subscriber's consent while he is on half pay leave or leave without allowances or in receipt of subsistence allowance and may be postponed on the subscriber's written request by the Secretary during the recovery of an advance of pay granted to the subscriber.

(2) When an advance is sanctioned under sub-rule (1) of rule 12, before repayment in full of any previous advance, the balance of any previous advance not received shall be added to the advance so sanctioned and the instalment for recovery shall be fixed with reference to the consolidated amount.

15. *Financing of Life Insurance Policies.*—(1) At the request in writing of any subscriber and with the consent of the Secretary any portion or whole of his subscription with interest thereon may be invested by the Authority in a Policy of Life Insurance and for such amount and on such terms as may be mutually agreed upon in writing between the subscriber and the Authority. Such a Policy shall be effected in the name of the subscriber who shall assign the same in favour of the Authority:

Provided always—

(a) that every such Policy shall so long as the subscriber is actually in employment under the Authority belong to the Authority and no interest thereon shall, during such period, vest in a subscriber on whose life it has been effected or in his nominees and neither be nor they shall have any right to interfere therewith;

(b) that the Authority shall not be responsible for any loss or damage that may arise or result from the effecting of any Policy under this rule;

(c) that on the retirement from service of a subscriber or termination of his service either on resignation or as a measure of punishment the Policy effected on his life shall be reassigned to him;

(d) that on the death of the subscriber while in service his Policy shall be reassigned to the nominees appointed by him under these rules jointly, specifying the shares to which each of the nominees is entitled.

(e) that if such Policy matures before the subscribe quits service, the Secretary shall realise the proceeds ot the Policy from the Insurance Company and credit it to the fund of the subscriber.

(2) The Secretary shall keep a register of Life Insurance Policies effected under this rule and a register of Premia paid in respect of such Policies in Form 8 and Form 9, respectively.

16. *Closure of Accounts.*—The account of each subscriber shall be closed,—

(a) When he is dismissed or removed from service; or

(b) When he is discharged from service; or

(c) When he dies; or

(d) When transferred to a service qualifying for pension; or

(e) When he quits service on retirement or on any other ground.

17. *Settlement of claims of the subscriber.*—When a subscriber's account is closed under rule 16, the claim of the subscriber or his nominees, as the case may, on the fund shall be settled subject to the following conditions:—

(i) A subscriber quitting the service after a period of less than three years shall receive only his subscription to the fund with interest thereon upto the date of his quitting service:

Provided that the restriction shall not apply to the case of a subscriber who dies or who is compulsorily retired on account of physical unfitness before he completes the prescribed period of three years.

(ii) A subscriber who has put in three years' service or more shall be entitled to the full amount of Authority's contribution with interest thereon as also subscription with interest thereon.

(iii) On the death of a subscriber before quitting the service when he leaves a family and if no nomination in favour of a member or members of the family of the subscriber subsists, or if such nomination relates only to a part of the amount standing to his credit in the fund the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family become payable to the members of his family in equal shares:

Provided that no share shall be payable to—

(a) sons who have attained legal majority;

(b) sons of the deceased son who have attained legal majority;

(c) married daughters whose husbands are alive;

(d) married daughters of a deceased son whose husbands are alive; if there is any member of the family other than those mentioned in clauses (a) to (d):

Provided further that the widow or widows and the child or children or a deceased son shall receive among them in equal parts only the share which that son would have received if he had survived the subscriber.

(iv) When the account of a subscriber is closed consequent on his transfer to a service qualifying for pension the Secretary shall make necessary arrangements to the transfer of the fund in favour of the authority empowered to administer the fund for the benefit of the subscribers.

18. *Payment of amounts to subscriber or his nominee etc.*—When the account of a subscriber is closed, the subscriber, his nominees or legal representatives as the case may be, shall be paid the amount of the fund standing to his credit by the Secretary after careful scrutiny as expeditiously as possible provided that the subscriber or his nominee or legal representative as the case may be shall be paid the contribution and interest thereon less such sums as it may be found necessary to recover from him and to credit to the Authority on any account of audit in the usual course.

19. *Maintenance of register.*—The Secretary shall keep a register of subscribers in Form 10, Cash Book in Form 11, a Register of temporary advances in Form 12 and an abstract in Form 13.

APPENDIX

FORM 1

[*See* rule 4 (2)]

Form of Application for Admission to the Trivandrum Development Authority Employees Contributory Provident Fund

(To be submitted in duplicate)

Name of applicant	*Official designation*	*Whether the applicant is permanent, temporary or officiating. If temporary or officiating give the date of commencement of service*	*Rate of emoluments per mensem*	*Rate of subscription per mensem*	*If subscriber to any other Fund, the name of such Fund*	*Whether the applicant has a family or not*	*Account No. to be allotted*	*Remarks*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

A form of nomination in the prescribed form, duly filled in, is enclosed.

Station:

Date.

Signature of Applicant.

For Office use

Admitted to P.F. from..........................

Rate of subscription ....

Deduction to be made from ....

Salary for ....

Arrears of Rs............. from........to ....

Pay on...

Secretary.

Note:— A slip showing the particulars of admission to the Provident Fund, the rates of subscription and contribution to which he is eligible to the time of admission to the fund, date of admission to the fund etc. shall be pasted in the Service Book of the employee.

FORM 2

[*See* rule 5 (3)]

Form of Nomination

When the subscriber has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below who is a member of my family as defined in rule 2 to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid.

Name and address of the nominee	*Relationship with subscriber*	*Age*	*Contingencies on the happening of which the nomination shall become invalid*	*Name, address and relationship of the person, if any to whom the right of the nominee shall pass in the event of his pre-deceasing the subscriber*	*Name and address of the person to whom share is to be paid on behalf of minor*
(1)	(2)	(3)	(4)	(5)	(6)

Dated this...................... day of...................19......at..........

Two witnesses to the signature of the subscriber.

Signature of subscriber.

(1)

(2)

Form 3

[*See* rule 5 (3)]

Form of Nomination

When the subscriber has no family and wishes to nominate one person.

I having no family as defined in rule 2 hereby nominate the person mentioned below to receive the amount that may stand to my credit the fund in the event of my death before that amount has become payable or having become payable has not been paid.

Name and address of the nominees	Relationship with subscriber	Age	*Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any to whom the right of the nominee shall pass in the event of his pre-deceasing the subscriber	Name and address of the person to whom share is to be paid on behalf of minior
(1)	(2)	(3)	(4)	(5)	(6)

Dated this.......................... day of............ 19..........at..........

Two witnesses to the signature of the subscriber.

Signature of subscriber.

(1)

(2)

* Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of subsequently acquiring a family.

Note:—'Death' need not be specified as contingency on the happening of which the nomination shall become invalid.

FORM 4

[*See* rule 5 (3)]

Form of Nomination

When the subscriber has no family and wishes to nominate more than one person.

I having no family as defined in rule 2 hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the fund in the event of my death before the amount has become payable, or having become payable, has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names.

Name and address of the nominees	Relationship with subscriber	Age	Amount of share of accumulations to be paid to each	*Contingencies on the happening of which the momination shall become invalid	Name, address and relationship of the person, if any to whom the right of the nominee shall pass in the event of his pre-deceasing the subscriber.	Name and address of the person to whom share is to be paid on behalf of minor
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Dated this.......................... day of .... 19........at ....

Two witnesses to the signature of the subscriber.

Signature of subscriber.

(1)

(2)

*Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of subsequently acquiring a family.

Note:— 'Death' need not be specified as contingency on the happening of which the nomination shall become invalid.

FORM 5
(*See* rule 11)

Statement of Trivandrum Development Authority Employees Contributory Provident Fund Account

Deposit account of .... (Official Designation) for the year ending 31st March ....

Account No.............

	Subscription Rs.	P.	Contribution Rs.	P.	Remarks
Opening Balance					
Balance, if any, transferred from other local bodies					
*Credits during the year					
Interest for 19....					
Total					
Withdrawals during the year					
Balance on 31st March 19....					

* Includes recoveries made during the months of April to March.

Forwarded to the subscriber as required by Rule 11 of the Rules. He is requiredt o satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the undersigned within one month from the date of its receipt.

Signature................

Secretary,
Trivandrum Development
Authority, Trivandrum.

Office of the Trivandrum Development Authority
The..................day of ....19....

FORM 6

[*See* rule 12 (3) (ii)]

Form of application for Temporary Advances against Deposits in Employees Contributory Provident Fund in Trivandrum Development Authority

1. Name and Account No. of the subscriber
2. Monthly pay, dearness pay and designation
3. Amount of advance required
   (Both in figures and words)
4. Purpose for which it is required
5. Number of instalments of recovery proposed
6. Date of complete repayment of the previous loan
7. Details of advances pending recovery—
   (1) the amounts of previous advances
   (2) dates of drawal of each advance
   (3) balance outstanding against each advance

7. (a) Amount of consolidated advance—items 3 and 7 (3) and the number and amount of monthly instalments in which the consolidated advance is proposed to be repaid.

8. I hereby declare that the above statements are true and that I agree to abide by the Employees Contributory Provident Fund (Trivandrum Development Authority) Rules in force. I also promise to repay the above advance in equal monthly instalments together with interest according to rules.

(Signature of the subscriber with name and designation)

Place....................

Date................

9. Enquiry Certificate

Place....................

Date................

(Signature of Secretary)

Verification Report

10. Total amount at the credit of the applicant
11. Amount of advance admissible
12. Number of instalments of repayments
13. Any other fact requiring consideration

Accounts Officer/Head of Office/Department

FORM 7

[*See rule* 12 (3) (ii)]

Form of Sanction for Temporary Advances from Employees Contributory Provident Fund (Trivandrum Development Authority)

A temporary advance from the Employees Contributory Provident Fund (Trivandrum Development Authority) as particularised below is sanctioned by the undersigned under the rules regulating that fund.

1. Subscribers name
2. Subscriber's designation
3. Subscriber's pay and dearness pay
4. Subscriber's Provident Fund Account No.
5. Amount of advance
6. Object of advance
7. Rule or rules under which the advance is sanctioned
8. Balance at credit of the subscriber on this date (as verified from the account last rendered by the Accounts Officer/Head of Office/Department).
9. Balance of previous advances, if any, outstanding against the subscriber (Principal and interest shown separately)
10. Date of repayment of previous advance, if any
11. Special reasons for granting the advance under rule 12
12. Number of instalments in which the advance is to be recovered

12A. Amount of consolidated advances (items 5 and 9) and the number of instalments in which the consolidated advance is to be recovered

13. Amount of each such instalment

Signature of the sanctioning authority with designation.

To

Sri.................................

FORM 6

[*See* rule 15 (2)]

Register of Life Insurance Policies effected in favour of the Trivandrum Development Authority Employees Contributory Provident Fund Rules

Sl. No.	Name and designation of Policy holder	Name of Insurance Company	Number of policy	Date of maturity of policy	Amount of policy	Amount of premium	Folio number of register of premia	Date of receipt of policy	Dated initials of the Secretary	Date of assignment	No. and date of letter forwarding the policy	Date of acknowledgement of policy	Dated initials of the Secretary
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
					Rs.	*Rs.*							

FORM 9

[*See* rule 15 (2)]

Register of Premia

1. Name and designation of Policy holder
2. Folio number of Provident Fund Ledger
3. Name of Insurance Company
4. Number of Policy
5. Date of Maturity of Policy
6. Number of instalments in which the annual Premium is payable
7. Amount of each instalment of Premium
8. Due date (or dates) of payment of instalment (or instalments)

Sl. No. of payment	Amount paid	Date of payment	Initials of the Secretary	Remarks
(1)	(2)	(3)	(4)	(5)

FORM 10

(*See* rule 19)

Register of subscribers to the Trivandrum Development Authority Employees Contributory Provident Fund and their nominees

SUBSCRIBERS

Sl. No.	Name in full	Father's name	Address	Date of birth in Christian era	Date of admission	Age on date of admission	Name of appointment held on date of admission	Pay of post	Name and date of certificate of nomination (to be filled separately)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

NOMINEES

Sl. No.	Name in full	Relationship to the subscriber	Age	Occupation	Address	Sums due in what proportion payable	Name and address of witnesses attest the certificate	Initials of the Secretary	Remarks
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)

FORM 11

(*See* rule 19)

Cash Book of the Trivandrum Development Authority Employees Contributory Provident Fund for the year 19

RECEIPTS

Subscriptions	*Contribution*	*Investments*	*Miscellaneous*	*Month and date*
(1)	(2)	(3)	(4)	(5)
Rs. P.	*Rs. P.*	*Rs. P.*	*Rs. P.*	*Rs. P.*

PAYMENTS

Particulars of transactions	*Subscriptions*	*Contribution*	*Investments*	*Miscellaneous*	*Total net Balance every month*
					In the Government Savings Bank
(6)	(7)	(8)	(9)	(10)	(11)
	Rs. P.	*Rs. P.*	*Rs. P.*	*Rs. P.*	*Rs. P.*

FORM 12
(*See* rule 19)

Register of Temporary Advances and their Recoveries

WITHDRAWALS

Name and designation	*Account Number*	*Authority*	*Amount sanctioned*	*Amount withdrawn*	*Number of Instalments of recovery*	*Year*
(1)	(2)	(3)	(4)	(5)	(6)	(7)
						19 -19
						19 -19
						19 -19
						19 -19
						19 -19

RECOVERIES

April	*May*	*June*	*July*	*August*	*September*	*October*	*November*	*December*	*January*	*February*	*March*	*Remarks*
(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Rs.	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	*Rs.*	

FORM No. 13.

(*See* rule 19)

Abstract of the Trivandrum Development Authority Employees Contributory Fund......From 19......19......

Sl. No. as per register of subscribers	Name of Subscriber	Official Designation	Pay on which subscription is levied	Opening balance	
				Subscription account	Contribution account
1	2	3	4	5	6
				Credit	Total

Amounts of subscriptions or refunds of withdrawals received in											
April	May	June	July	August	September	October	November	December	January	February	March
7	8	9	10	11	12	13	14	15	16	17	18

Subscription and contribution withdrawn or temporary withdrawals or contribution forfeited						Closing balance
Subscription accounts total of columns (7) to (18)	Contribution for the year	Interest on subscription	Interest on contribution	Total of subscription account (columns) 5+19+21)	Total of contribution account (6+10+22)	Subscription
19	20	21	22	23	24	25
						Rs. P.

Contribution	Voucher No.	Subscription account	Contribution account	Remarks
26	27	28	29	30
Rs. P.	Rs. P.	Rs. P.		

By order of the Governor,

M. S. K. RAMASWAMY,
Commissioner and Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport). The Government of Kerala propose to make the Trivandrum Development Authority (Employees) Provident Fund Rules 1983, applicable for all the permanent Employees of the Authority. This notification is intended to achieve the above purpose.

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